

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BETTE M. GROSSMAN, on behalf of herself
and all others similarly situated,

Plaintiff,

V.

OPPENHEIMER & CO. INC, FREEDOM
INVESTMENTS INC., OPPENHEIMER ASSET
MANAGEMENT and OPPENHEIMER
HOLDINGS INC.,

Defendants.

Case No. 08-cv-3528 (LAP)

DAVID T. VINING, Individually
And On Behalf of All Others Similarly Situated,

Plaintiff,

V.

OPPENHEIMER HOLDINGS INC.,
OPPENHEIMER & CO., INC, and
OPPENHEIMER ASSET MANAGEMENT
INC.,

Defendants.

Case No. 08-cv-4435 (LAP)

**NOTICE OF MOTION OF MOTION OF DAVID T. VINING FOR
CONSOLIDATION OF ACTIONS, APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF SELECTION OF COUNSEL**

PLEASE TAKE NOTICE that plaintiff David T. Vining, by his counsel, will hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York for an Order (filed herewith): (i) consolidating the above-captioned related actions; (ii) appointing David T. Vining as Lead Plaintiff; (iii) approving his selection of Girard Gibbs LLP to serve as Lead Counsel, Stueve Siegel Hanson LLP to serve as Co-Lead Counsel, and Seeger Weiss LLP to serve as Liaison Counsel; and (iv) granting such other and further relief as the Court may deem just and proper. In support of this Motion, Mr. Vining submits herewith a Memorandum of Law, [Proposed] Order, and the Declaration of Jonathan K. Levine and all exhibits attached thereto.

DATED: June 10, 2008

Respectfully submitted,

GIRARD GIBBS LLP

By: Jonathan K. Levine
Jonathan K. Levine (JL-8390)

Daniel C. Girard
Aaron M. Sheanin
601 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Proposed Lead Counsel

Norman E. Siegel
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, MO, 64112
Telephone: (816) 714-7100
Facsimile: (816) 714-7101

Proposed Co-Lead Counsel

Christopher A. Seeger (CS-4880)
Stephen A. Weiss (SW-3520)
David R. Buchanan (DB-6368)
SEEGER WEISS LLP
One William Street, 10th Floor
New York, NY 10004

Telephone: (212) 584-0757
Facsimile: (212) 584-0799

Proposed Liaison Counsel

CERTIFICATE OF SERVICE

I, Jonathan K. Levine, hereby certify that on June 10, 2008, I caused the following document(s) to be filed electronically with the United States District Court for the Southern District of New York through the Court's mandated ECF service:

1. **NOTICE OF MOTION OF MOTION OF DAVID T. VINING, FOR CONSOLIDATION OF ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF SELECTION OF COUNSEL; AND**
2. **[PROPOSED] ORDER CONSOLIDATING ACTIONS, APPOINTING DAVID T. VINING AS LEAD PLAINTIFF, AND APPROVING LEAD PLAINTIFFS' SELECTION OF COUNSEL**

Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of June, 2008 at San Francisco, California.

/S/ Jonathan K. Levine

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BETTE M. GROSSMAN, on behalf of herself
and all others similarly situated,

Plaintiff,

V.

OPPENHEIMER & CO. INC, FREEDOM
INVESTMENTS INC., OPPENHEIMER ASSET
MANAGEMENT and OPPENHEIMER
HOLDINGS INC.,

Defendants.

Case No. 08-cv-3528 (LAP)

DAVID T. VINING, Individually
And On Behalf of All Others Similarly Situated,

Plaintiff,

V.

OPPENHEIMER HOLDINGS INC.,
OPPENHEIMER & CO., INC, and
OPPENHEIMER ASSET MANAGEMENT
INC.,

Defendants.

Case No. 08-cv-4435 (LAP)

**[PROPOSED] ORDER CONSOLIDATING ACTIONS, APPOINTING
DAVID T. VINING AS LEAD PLAINTIFF, AND APPROVING LEAD
PLAINTIFFS' SELECTION OF COUNSEL**

Upon consideration of the motions and supporting papers filed by the movants for lead plaintiff in the above-captioned actions and for good cause shown,

IT IS HEREBY ORDERED THAT:

1. The Motion Of David T. Vining For Consolidation Of Actions, Appointment As Lead Plaintiff, And Approval Of Selection Of Counsel is **GRANTED**;

2. The above-captioned actions arise out of common alleged facts and include the same alleged claims against several of the same Defendants. Accordingly, they are hereby consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

3. Plaintiff David T. Vining is hereby **APPOINTED** to serve as Lead Plaintiff in the consolidated action, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995.

4. The law firm of Girard Gibbs LLP is hereby **APPOINTED** to serve as Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

5. The law firm of Stueve Siegel Hanson LLP is hereby **APPOINTED** to serve as Co-Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

///

///

///

6. The law firm of Seeger Weiss LLP is hereby **APPOINTED** to serve as Liaison Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

SO ORDERED.

DATED: _____, 2008

THE HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE